

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GREGORY KELLY,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT, *et al.*,

Defendants.

Case No. 2:12-cv-02074-LRH-CWH

**ORDER**

This matter is before the Court on Defendant Las Vegas Metropolitan Police Department's Motion to Strike (#61), filed July 11, 2013. The motion is unopposed. Normally, the failure to file a response in opposition to any motion constitutes consent to granting the motion. *See* Local Rule ("LR") 7-2(d). Nevertheless, the motion seeks to strike a reply brief that the Court reviewed and considered in issuing its order on Plaintiff's motion to compel. *See* Order (#58) (denying Plaintiff's motion to compel). The Court is not inclined to strike a reply brief after an order which takes the reply brief into account has been issued. The Court notes, however, its agreement that the reply brief contains several unsubstantiated claims regarding the alleged conduct of Defendants and their counsel. The Court gave no weight to these claims. Accordingly,

**IT IS HEREBY ORDERED** that Defendant Las Vegas Metropolitan Police Department's Motion to Strike (#61) is **denied**.

DATED: July 31, 2013.

  
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**C.W. Hoffman, Jr.**  
**United States Magistrate Judge**